

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

U.S. ACCU-MEASUREMENTS, LLC	:	CIVIL ACTION
and	:	
ROSS CONSULTING GROUP, INC.	:	
	:	
Plaintiffs	:	NO. 10-CV-05011
v.	:	
	:	
RUBY TUESDAY, INC.	:	
	:	
Defendant	:	

**NOTICE OF MOTION
OF DEFENDANT RUBY TUESDAY, INC.
TO PRECLUDE EXPERT TESTIMONY
AND FOR SUMMARY JUDGMENT**

Please take notice that on February 6, 2012, before the Honorable Claire C. Cecchi, U.S.D.J., defendant Ruby Tuesday, Inc. will move to preclude the testimony of plaintiffs' expert, Lawrence Chodor, C.P.A., and for summary judgment pursuant to F.R.C.P. 56. The grounds for this motion are that the opinions of plaintiffs' expert fail to satisfy the requirements of Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and that plaintiffs cannot prove an essential element of their breach of contract claim without the expert's testimony. The motion is supported by the accompanying Statement of Material Facts Not in Dispute, exhibits and brief.

Defendant incorporates herein the arguments and authorities contained in the brief.

Respectfully submitted,

WARD GREENBERG HELLER & REIDY LLP



By: _____

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Dated: January 12, 2012